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5                   **UNITED STATES DISTRICT COURT**  
6                   **DISTRICT OF NEVADA**

7                   UNITED STATES OF AMERICA,  
8                         Plaintiff,  
9                         v.  
10                  ROBERT DEVON BARBER,  
11                         Defendant.

2:21-CR-275-RFB-NJK

**Preliminary Order of Forfeiture**

12                  This Court finds Robert Devon Barber pled guilty to Count One of a One-Count  
13 Criminal Information charging him with conspiracy to effect illegal transaction with access  
14 devices in violation of 18 U.S.C. § 1029(a)(5) and 1029(b)(2). Criminal Information, ECF  
15 No. 45; Arraignment & Plea, ECF No.47; Plea Agreement, ECF No.49.

16                  This Court finds Robert Devon Barber agreed to the forfeiture of the property set  
17 forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information.  
18 Criminal Information, ECF No. 45; Arraignment & Plea, ECF No. 47; Plea Agreement,  
19 ECF No.49.

20                  This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United  
21 States of America has shown the requisite nexus between property set forth in the Plea  
22 Agreement and the Forfeiture Allegation of the Criminal Information and the offense to  
23 which Robert Devon Barber pled guilty.

24                  The following property is (1) any property, real or personal, which constitutes or is  
25 derived from proceeds traceable to a violation of 18 U.S.C. § 1029(a)(5), or 18 U.S.C. §  
26 1029(b)(2), conspiracy to commit such offense; (2) any property, real or personal, which  
27 constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1029(a)(5), a  
28 specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or 18

1 U.S.C. § 1029(b)(2), conspiracy to commit such offense; (3) any property constituting, or  
2 derived from, proceeds obtained directly or indirectly, as the result of violations of 18  
3 U.S.C. § 1029(a)(5), or 18 U.S.C. § 1029(b)(2), conspiracy to violate such offense; and (4)  
4 any personal property used or intended to be used to commit the violations of 18 U.S.C. §  
5 1029(a)(5) and 1029(b)(2) and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C)  
6 with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(B); and 18 U.S.C. § 1029(c)(1)(C) and  
7 1029(c)(2):

- 8 1. \$11,880 in United States Currency;
- 9 2. a debit card with the last four digits of the account number being 5215  
10 issued in the name of M.F.;
- 11 3. a debit card with the last four digits of the account number being 8247  
12 issued in the name of D.C.;
- 13 4. a debit card with the last four digits of the account number being 5640  
14 issued in the name of K.H.;
- 15 5. a debit card with the last four digits of the account number being 7862  
16 issued in the name of M.Ma.;
- 17 6. a debit card with the last four digits of the account number being 8878  
18 issued in the name of M.Me.;
- 19 7. a debit card with the last four digits of the account number being 9698  
20 issued in the name of K.B.;
- 21 8. a debit card with the last four digits of the account number being 9723  
22 issued in the name of A.L.;
- 23 9. a debit card with the last four digits of the account number being 8430  
24 issued in the name of M.G.;
- 25 10. a debit card with the last four digits of the account number being 7604  
26 issued in the name of N.C.;
- 27 11. a debit card with the last four digits of the account number being 6821  
28 issued in the name of J.A.;

12. a debit card with the last four digits of the account number being 1612  
issued in the name of K.J.; and

13. a debit card with the last four digits of the account number being 2411  
issued in the name of G.S.

(all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
DECREEED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Robert Devon Barber in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §

1 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's  
2 right, title, or interest in the forfeited property and any additional facts supporting the  
3 petitioner's petition and the relief sought.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
5 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,  
6 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was  
7 not sent, no later than sixty (60) days after the first day of the publication on the official  
8 internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
10 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
11 Attorney's Office at the following address at the time of filing:

12 Daniel D. Hollingsworth  
13 Assistant United States Attorney  
14 James A. Blum  
15 Assistant United States Attorney  
16 501 Las Vegas Boulevard South, Suite 1100  
17 Las Vegas, Nevada 89101.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
19 described herein need not be published in the event a Declaration of Forfeiture is issued by  
20 the appropriate agency following publication of notice of seizure and intent to  
21 administratively forfeit the above-described property.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
23 copies of this Order to all counsel of record.

24 DATED November 9, 2021.

25   
26 RICHARD F. BOULWARE, II  
27 UNITED STATES DISTRICT JUDGE  
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